

## SECTION IV

### PROCEDURES

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## GRIEVANCES

### DEPARTMENT CONTACT FOR QUESTIONS

Human Resource Director  
Phone (225) 922-1351  
P.O. Box 4172  
Baton Rouge, LA 70821

### PURPOSE OF GRIEVANCE PROCEDURE

The resolution of employee problems at the lowest possible level is encouraged. All employees of the Department, regardless of status or tenure, have access to the grievance procedure to resolve work-related problems without fear of reprisal and without placing their jobs or employment records in jeopardy. Any employer who takes reprisal action against an employee who uses this procedure shall be subject to administrative disciplinary action.

The grievance procedure is intended for use when a dissatisfaction arises in a day to day relationship between employees or between the employee and the employer. The option to use the formal grievance procedure shall be VOLUNTARY on the part of the employee concerned. Complaints about letters of warning, reprimand or counseling are handled by written response and not through the grievance process.

It is often difficult to determine if a particular grievance should be handled through the grievance procedure or through an appeal to the Civil Service Commission, and employees may obtain assistance in deciding which method to pursue. Inquiries may be directed to the Personnel Office or to the Personnel Management Division of Civil Service at (225) 342-8274. All inquiries will remain confidential.

Employees should note that there are time constraints for either beginning the grievance process or for filing a Civil Service appeal. Unnecessary delays could result in either the grievance process or the appeal being rejected for failure to meet appropriate deadlines.

### GRIEVANCE PROCESS

Grievance hearings will be heard during work hours. The Department will use the procedure established by the Department of State Civil Service. The process and the forms are described below. However, employees may request a copy of Part 4 of the Civil Service manual from the Personnel Office if he/she wishes. EMPLOYEES SHOULD TAKE CAREFUL NOTE OF ALL TIME CONSTRAINTS, AS A DELAY ON THE PART OF THE EMPLOYEE COULD RESULT IN THE GRIEVANCE BEING DISMISSED AS NOT TIMELY.

FIRST STEP (NOTE: An employee may skip this grievance step that involves an individual in the employee's supervisory chain if the grievance has to do with harassment by that individual).

1. Within 14 calendar days of the date employee becomes aware of (or should have become aware of) the cause for the grievance, employee must discuss the issue with the supervisor.
2. Within 7 calendar days of the discussion, the supervisor must render a verbal decision.
3. If the employee is satisfied, the grievance process ends. If the employee is dissatisfied with the decision of the immediate supervisor, or if the employee fails to receive the supervisor's decision within 7 days, the employee proceeds to the Second Step.

## SECOND STEP

NOTE: Beginning at this step, the employee may, if he wishes, be represented by one individual of his choice.

1. To begin the Second Step, the employee must take the following actions within 7 calendar days of the day the immediate supervisor's decision was received or should have been received. A delay may result in the grievance being dismissed as not timely.
  - a. The Grievance Form, with the top portion completed by the employee and the decision of (or lack of decision by) the immediate supervisor recorded on the form, must be submitted to the appropriate Division Director AND Assistant Commissioner.
  - b. A copy of the Grievance form must be sent by the employee to the Personnel Office.
2. Within 14 calendar days of the receipt of the written grievance, the Director and Assistant Commissioner must take the following actions:
  - a. Investigate, discuss and evaluate the matter.
  - b. Afford the employee an opportunity to present his/her viewpoint.
  - c. Complete the appropriate section of the Grievance Form to give written notice of findings and recommendations, and provide a copy to the employee and to the Personnel Office. The Personnel Office will provide a copy of the grievance to the Assistant Commissioner of Management and Finance and to the Director of Civil Service.
3. If the employee is satisfied, the grievance process ends. If the employee is dissatisfied with the decision at this step, or if the employee fails to receive this decision within 14 calendar days, the employee proceeds to the Third Step.

### THIRD STEP

1. To begin the Third Step, the employee must submit a copy of the Grievance Form, with all comments, signatures and dates, to the Assistant Commissioner of Management and Finance (appointing authority) within 5 calendar days of the day the Director's/Assistant Commissioner's decision was received or should have been received. A delay may result in the grievance being dismissed as not timely. A copy must also be sent to the Personnel Office.
2. The Assistant Commissioner of Management and Finance (appointing authority) will take one of the following steps:
  - a. Within 14 calendar days of receipt of the grievance, conduct a hearing and issue a final written decision to all interested parties, and to the Director of Civil Service; OR
  - b. Within 21 calendar days of receipt of the grievance, designate a representative to hear the grievance and make a written recommendation; review the written recommendation of the designated representative; and issue a final written decision to all interested parties, and to the Director of Civil Service; OR
  - c. Within 21 calendar days of receipt of the grievance, designate a grievance hearing committee to hear the grievance and make a written recommendation; review the written recommendations of the committee; and issue a final written decision to all interested parties, and to the Director of Civil Service.

### SUMMARY DISPOSITION OF GRIEVANCE

At any time after the filing of a grievance in writing, an appointing authority may summarily dispose of the grievance on any of the following grounds:

- a) That the appointing authority lacks jurisdiction of the subject matter, or of the person against whom relief is sought.
- b) That the aggrieved has no legal right to grievance consideration.
- c) That the grievance has not been made in the required manner or within the prescribed period of delay.
- d) That a decision on the grievance would be ineffective.
- e) That the aggrieved has failed to appear at the time and place fixed for the hearing of his grievance.
- f) That the aggrieved has withdrawn or abandoned his request for grievance consideration.

When an appointing authority summarily disposes of a written grievance, he shall notify all interested parties, including the Director of Civil Service, in writing.

### HEARING OFFICER AND GRIEVANCE COMMITTEE

- 1) Hearing Officers shall be designated by the appointing authorities of the

- agencies in which they are employed.
- 2) Grievance Committees shall be appointed by the appointing authority of the agencies in which the members of the Committees are employed.
  - 3) Grievance Committees may be designated as ad hoc or continuing in nature.
  - 4) Each Grievance Committee shall be composed of an odd number of three or more members.
  - 5) The Chairman of each Grievance Committee shall be designated by election from within its membership.
  - 6) An employee designated as a member of a Grievance Committee shall, at such times as his appointing authority may approve, be granted necessary time off during his working hours to prepare for and hear appeals and prepare recommendations, without loss of pay and without charge to annual or compensatory leave credit.

### NOTICE OF HEARING

The aggrieved employee shall be given notice at least five calendar days in advance of the hearing. The notice and delay MAY be waived by mutual consent of the Grievance Committee or Hearing Officer and the aggrieved employee.

### TIME AND PLACE OF HEARING

The place of the grievance hearing shall be specified by the appointing authority or his designated representative and shall be in a convenient place accessible to the aggrieved employee. All such hearings shall be held on the employer's premises or on other premises mutually agreeable to the parties and within regular working hours. The hearing may continue beyond normal working hours with the approval of the appointing authority.

### CONDUCT OF HEARING AT THIRD STEP

- (a) The aggrieved employee and the employing agency shall have the right to call, examine, and cross-examine witnesses who are employees of the agency against which the grievance is lodged and who have knowledge of the facts at issue.
- (b) Both parties may produce witnesses other than employees of the agency against which the grievance is lodged, and such witnesses shall be subject to examination and cross-examination.
- (c) Necessary travel expenses of witnesses called under Section (a) above shall be paid by the agency.
- (d) The aggrieved employee shall have the right to require the production of books, papers, records, and other items which are within the control of the agency against which the grievance is lodged; which are pertinent to the facts at issue; and which are not held to be confidential by provision of State statute, public law, or Constitutional law.
- (e) The aggrieved employee shall have the right, but shall not be required, to be represented by an individual of his choice.
- (f) Affidavits and ex-parte statements, offered during the course of a grievance hearing, may be received and considered by the Hearing Officer or Grievance Committee.
- (g) The Hearing Officer or Grievance Committee shall have the right to examine and cross-examine any witness.
- (h) The Hearing Officer or Grievance Committee shall have the right to limit

- corroborative evidence.
- (i) When a pending case involves substantially the same question of law or fact as presented in a prior case, the Hearing Officer or Grievance Committee may consider any part of the record in such previous case as he or it may deem relevant; provided, that in the application of this provision no party shall be deprived of the right to cross-examine any witness.
  - (j) The testimony of all witnesses may be received under oath.
  - (k) The Hearing Officer or the Grievance Committee, on request of the aggrieved employee or on his or its own motion, may order that the witnesses in any hearing be separated so as to preclude any witness, other than the parties and their representatives, from hearing the testimony of any other witness.
  - (l) If the aggrieved employee, in preparing his written appeal, omits facts which he considers pertinent to the grievance under consideration, the Hearing Officer or Grievance Committee shall permit the employee, prior to the conclusion of the hearing, to enlarge his original statement to include such facts.
  - (m) When two or more grievance petitions involve similar or related circumstances, the Hearing Officer or the Grievance Committee may order a joint hearing of any or all the matters at issue, or may order that all such petitions be consolidated.
  - (n) Any officer or employee required to testify shall not be subjected to any disciplinary action by his appointing authority because he testifies, but may be held accountable for actions on his part revealed by his testimony.

DEPARTMENT OF AGRICULTURE & FORESTRY GRIEVANCE FORM

Use this form if 1) employee is dissatisfied with the decision of immediate supervisor at the first step (informal discussion) of the grievance procedure, OR 2) when the grievance concerns a sexual harassment or discrimination matter that is not appealable to the Civil Service Commission.

EMPLOYEE NAME:

DATE: \_\_\_\_\_ JOB TITLE:

GRIEVANCE STATEMENT: (Use reverse side for additional space)

RELIEF SOUGHT:

SIGNATURE: \_\_\_\_\_ DATE:

RECORD OF FIRST STEP DECISION OF IMMEDIATE SUPERVISOR: (This section shall be bypassed in grievances of sexual harassment or discrimination)

SUPERVISOR'S SIGNATURE:  
DATE:

(Grievance Form continued on next page)

SECOND STEP: DECISION OF SECTION, DIVISION, or UNIT HEAD:

SIGNATURE: \_\_\_\_\_ DATE:

EMPLOYEE RESPONSE:     // My grievance has been resolved.

     // I am NOT satisfied with this response and wish to  
     have my grievance referred to the next step.

SIGNATURE: \_\_\_\_\_ DATE:

THIRD STEP: GRIEVANCE HEARING AND FINAL DECISION

RECOMMENDATION(S) OF HEARING OFFICER OR GRIEVANCE  
COMMITTEE:

AUTHORIZED SIGNATURE & DATE:

DECISION OF APPOINTING AUTHORITY:

SIGNATURE & DATE:



## CIVIL SERVICE APPEALS

### CONTACT PERSON FOR QUESTIONS

Human Resource Director  
Phone (225) 922-1351  
P.O. Box 4172  
Baton Rouge, LA 70821

Classified state employees can appeal to the Civil Service Commission for relief from adverse actions (disciplinary actions, rule violations, discrimination). The Commission has the exclusive power to hear and decide all removal and disciplinary cases, and to decide the relief to be granted.

The decisions of the Civil Service Commission may be appealed to the Court of Appeal on questions of law or fact.

Generally, disciplinary and discriminatory actions are appealed to the Civil Service Commission, and should not be processed through the agency's Grievance Procedure. As a general (but not necessarily all-inclusive) guide, the Civil Service Commission assumes jurisdiction over the following types of actions:

1. ANY disciplinary action toward a permanent employee.
2. Political, religious, or racial discrimination.
3. Discrimination practiced by the violation of the Civil Service Law or Civil Service Rules.
4. Assignment of "Unsatisfactory" Service Ratings.

Employees with grievances similar those listed above should immediately contact the Department of State Civil Service or the agency's Personnel Office to obtain information regarding the correct method for filing an appeal and to ensure that the appeal is filed within the prescribed time limits.

Since time limits have been set within which either an in-house grievance or a Civil Service appeal may be filed, it is important for employees to initially select the proper course of action. If the incorrect method is chosen, the employee may find that his time for filing has expired for the other method by the time he discovers his mistake.

Civil Service appeals must be received by the Department of State Civil Service, P.O. Box 94111, Baton Rouge, LA 70804, within 30 calendar days of the day the employee received written notice (in cases when written notice is required), or within 30 calendar days of the day the employee learns about or becomes aware of the action complained about (in cases when no written notice is required or the required written notice was given tardily or given not at all).

Appeals which are filed:

1. Must be filed in writing, and be signed by the employee or on his behalf by an attorney.

2. Give the name and mailing address of the employee and his attorney.
3. Contain a clear and concise statement of the actions complained of and a clear and concise statement of the basis for the appeal.
4. Give the date on which the action that is being appealed occurred, or the date on which the employee learned of the action.
5. Give the date that the employee received written notice, if written notice was given.
6. State the relief the employee is seeking.

There may be other requirements, so employees are urged to obtain a copy of Chapter 13 of the Civil Service rules (either from Civil Service or from the Personnel Office) as soon as possible if they are considering filing an appeal.

## **INSURANCE - PROPERTY & VEHICLE**

### **DEPARTMENT CONTACT FOR QUESTIONS/FORMS**

Safety & Loss Prevention Program Director  
Phone (225) 922-1234  
Fax (225) 922-1253  
P.O. Box 631  
Baton Rouge, LA 70821-0631

### **1. PROPERTY INSURANCE**

#### **a. COVERAGE**

Insurance coverage on Departmental property includes coverage for theft or vandalism, and coverage for damage due to an Act of God or fire. An employee's personal equipment MAY be covered IF there is a written and signed authorization on file from the employee's supervisor approving use of that equipment because it is necessary for the job to be performed and no State equipment is available. There is no deductible for repair of buildings; there is a \$1000 deductible on claims for loss of equipment or building contents.

#### **b. CLAIMS PROCESS - PROPERTY**

- a. Notify supervisor.
- b. Prepare and submit to supervisor a detailed, written description of the loss.
- c. Obtain copy of the Police or Fire Marshal report, if applicable.
- d. Obtain photographs when applicable.
- e. In accordance with your Division's policy, forward information as soon as possible to the Baton Rouge office (usually submitted through Division Secretary in Baton Rouge).

### **2. VEHICLE GLASS COVERAGE**

All vehicle glass breakage is covered, as are chips and pecks.

#### **a. GLASS REPLACEMENT**

1. All vehicle glass replacement should be replaced by a State Contract Vendor. If a list of these vendors is not available in your office, contact your Division Secretary in Baton Rouge who can obtain this information from the Office Accountant.
2. Obtain copy of repair invoice.
3. Complete the "Vehicle Glass Repair/Replacement Loss Notice

(DA2073). A copy of this form can be obtained from the Division Secretary or Office Accountant.

4. In accordance with your Division's policy, forward the repair invoice and the Vehicle Glass/Repair/Replacement Loss Notice to the Baton Rouge Office (usually submitted to Division Secretary in Baton Rouge).

b. REPAIR OF CHIPS/PECKS

Repair of these items should be requested through your Division Secretary in Baton Rouge, or requested in accordance with your Division's policy.

3. VEHICLE COLLISION AND LIABILITY INSURANCE

a. COVERAGE REQUIREMENTS

1. Employee must possess the Type/Class license required for type of vehicle being driven/used.
2. Employee must have completed and have on file a Driver's Authorization Form (usually obtained when signing up on first day of work - if not done, please contact Tom Trahan or the Personnel Office for a copy of the form).

b. WHAT TO DO IN AN ACCIDENT

1. Call Police.
2. Do not talk to ANYONE except the police about how the accident happened.
3. Make no statements to ANYONE about payment of damages.
4. Admit no liability (fault).
5. Get insurance information from other party(ies).
6. Obtain names, addresses and phone numbers of any potential witnesses.
7. Complete first two pages of form DA2041 (Rev. 4/90) - "Accident Report - Louisiana State Driver Safety Program". If possible, complete this at the accident scene. A blank copy of this form should be kept in the vehicle at all times. If your vehicle does not have one, request one from your supervisor or from Tom Trahan.
8. Notify your supervisor as soon as possible.

c. CLAIMS PROCESS - VEHICLE DAMAGE REPORTING REQUIREMENTS

1. In the glove box of each vehicle, there is an envelope with post-accident instructions printed on the outside. Remove the Form DA-2041 from that envelope and complete it. **Within 24 hours after the accident, the first page of form DA2041 MUST be completed and sent by FAX to:**

Safety Director  
(225) 922-1253

All other instructions on the envelope must be followed as printed.

2. Contact the LDAF Safety Director to report ANY damage to a Department vehicle, regardless of the cause of the damage or how minor.
3. Take photographs of vehicle's damaged area and license plate.
4. Obtain a copy of the Police Report.
5. Within five working days, turn over all information to supervisor who will complete the forms and forward to appropriate individual in Baton Rouge.

## DEPT. CONTACT FOR QUESTIONS/FORMS/COVERAGE VERIFICATION

Human Resource Office  
Phone (225) 922-1357  
P.O. Box 4172  
Baton Rouge, LA 70821

NOTE ON VERIFICATION OF COVERAGE: This office can only verify existence of worker's compensation coverage; for verification of coverage for specific medical procedures, treatment or medication, the provider should contact the Office of Risk Management at (225) 219-0168.

## EMPLOYEE'S RESPONSIBILITY

Injured employees have responsibility for taking the following steps:

1. Notify your supervisor as soon as possible. Should medical care be required urgently, notify your supervisor at the first opportunity. Notification is required immediately if no medical care is necessary. Since the severity of an injury is not always immediately apparent, report ALL injuries, even those which do not appear to be severe enough to require medical attention.
2. If medical services are received, either the employee or the provider should forward any medical bills or other information to the Human Resource Office.
3. If the injury results in time lost from work, the employee **MUST** take the following steps:
  - a. Notify supervisor of amount of time needed. Usually a physician will indicate on a work release the time required. In some cases, this will be only a few hours to obtain medical treatment; in cases of more severe injury, the employee may need several weeks or months off from work for recovery.
  - b. The employee will not automatically be placed on sick leave. A properly completed leave request form **MUST** be submitted to the supervisor, (See "Requesting Sick Leave While on Worker's Compensation" below).
  - c. Obtain a full Doctor's **RELEASE** before returning to work. The release must state that there are no restrictions and that you are able to perform all duties of your job.
  - d. For injuries which result in lost time of over seven days, you will be entitled to a benefits check that is intended to replace a portion of your salary. If an employee does not earn leave, the employee will retain the benefits check. If leave is taken and the employee is receiving a full paycheck, the employee must sign the benefits check

and return to the Human Resource Office where it will be used to purchase back a portion of the leave taken. Should the employee elect to keep this check, on the 15<sup>th</sup> day following postmark of the correspondence requesting endorsement, this employee will be placed on Leave Without Pay for the amount of leave that check would have purchased back.

#### REQUESTING SICK LEAVE WHILE ON WORKER'S COMPENSATION

Employees who have a work-related injury which causes an absence of less than one week, or which only requires occasional absence for visits to a doctor's office, must submit their sick leave requests in the same manner as they would when requesting sick leave under normal conditions.

Employees who have a work-related injury which causes an absence of one full week or more must request sick leave as indicated below.

Employees on extended sick leave due to a work-related injury must submit a properly completed and signed leave request form to their supervisor. The leave request must be received by the supervisor no later than the day the time sheets are completed and submitted to payroll. Employees can get this information from their timekeeper - usually this will be the same day activity reports or time sheets are normally due in to the timekeeper. A request for sick leave to cover a pay period which is made after this date will not be approved.

For the sake of convenience, employees who know they will be on leave for an extended period may submit at one time leave slips to cover several pay periods.

Supervisors should place these employees on FMLA. (See III-?)

Employees who fail to submit their leave requests in accordance with the above requirements will be placed on Leave Without Pay (LWOP) for that pay period. The employee who is placed on LWOP as a result of this policy will keep the Worker's Compensation benefit check covering the LWOP period, instead of sending it in for leave reimbursement as usual. In addition, the employee will be responsible for making arrangements for payment of items which are usually deducted from the paycheck (i.e., insurance premiums, loan payments, etc.).

The timekeepers who are responsible for completing and submitting the time sheets will not be responsible for trying to call employees to track down leave requests that are delinquent. Timekeepers will be responsible for notifying the Human Resource Office when an employee is being placed on LWOP under this policy. This is necessary so that the employee can be notified to keep the Worker's Compensation check instead of returning it for leave reimbursement.

## SUPERVISOR'S RESPONSIBILITY

1. Immediately notify the Human Resource Office by phone, email or fax.
2. Complete the EMPLOYER REPORT OF INJURY/ILLNESS FORM DA 1973 and send this form to the Human Resource Office. THE INJURED EMPLOYEE IS NOT TO COMPLETE THIS REPORT. The person completing the DA 1973 should omit the employee's social security number.
3. Employee should be placed on sick leave for any time lost from work due to this injury.
4. If the employee misses one entire day or more (not necessarily consecutive days) of work, this is a LOST TIME injury and the employee may be due compensation in addition to having his medical bills paid.
  - a. If the employee returns to work after the injury, indicate the return date in space number 4 on the Supervisor's Report of Injury/Illness form. If the employee later misses one entire day or more for treatment or recovery, then that status change must be reported to the Human Resource Office by phone or email.
  - b. If the employee did not return to work after the injury, leave the return date space blank. When the employee does return, that status change must be reported to the Human Resource Office by phone or email.
5. If an employee had a LOST TIME injury, the employee must bring a return-to-work certificate or doctor's release before returning to work. The release should state that the employee is able to return to work and perform all duties without restrictions.
6. All medical information (invoices, physician's statements, return to work releases, etc.) should be forwarded to the Human Resource Office. It is suggested that you retain a copy of this information in the event documents are lost in the mail and the Human Resource Office needs to get another copy.
7. If a medical provider calls to verify a worker's compensation claim or calls for billing information, they should contact the Human Resource Office, P.O. Box 4172, Baton Rouge, LA 70821, phone (225) 922-1357.
8. If an employee exhausts all sick leave during a lost-time injury, the supervisor must obtain written approval for use of annual or K-leave in lieu of sick leave. This approval must be granted by the Assistant Commissioner of Management and Finance.
9. No disciplinary action may be taken simply because an employee is on extended leave due to a work-related injury. If for some reason disciplinary action was being considered, contact the Human Resource Director or the Assistant Commissioner of Management and Finance.